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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/23/2020

May 20, 2020

VIA ECF

MEMORANDUM ENDORSED

The Honorable Colleen McMahon
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

The Honorable Gregory H. Woods
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Suzanne Crawley v. Deva Concepts, LLC, d/b/a DevaCurl*
Case No.: 1:20-cv-03152
Our File No.: 5586-00001

Dear Judges McMahon and Woods:

The parties in the above-referenced matter (the “Crawley Action”) submit this letter requesting that the Crawley Action be related and consolidated with In Re: Deva Concepts Products Liability Litigation, Case No. 1:20-cv-01234-GHW (the “Consolidated Action”). A Related Case Statement was filed in the Crawley Action two days after the initial filing, on April 23, 2020 (Dkt. No. 5). Plaintiff inadvertently did not note the relation in the initial civil cover sheet.

1. The Reason for the Request that the Court Relate and Consolidate the Crawley Action

The Parties have agreed that in the interests of efficiency, consistency, and conservation of resources the Crawley Action should be consolidated. Plaintiffs in the Consolidated Action allege that the plaintiffs and the members of the putative class they seek to represent purchased Defendant’s hair care products based upon false representations and failure to disclose that these products cause scalp irritation, excessive shedding, hair loss, thinning, breakage, and/or balding during normal use, and Deva Concepts denies such allegations. All of the individual cases now consolidated before your Honor make similar allegations, name the same defendant, and assert overlapping claims and putative classes. Deva Concepts denies the allegations in the Complaints and that any of the cases would be appropriate for class treatment. The Parties to the Crawley Action have agreed that consolidation is appropriate under these circumstances.



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2. The Basis for the Court's Legal Authority to Consolidate the Crawley Action

Rule 42(a) governs "Consolidation" and provides that "if actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay." The trial court has "broad discretion" to consolidate cases, which is especially "commonplace" in "tort actions sharing common questions of law and fact." *Johnson v. Celotex Corp.*, 899 F.2d 1281, 1284 (2d Cir. 1990) ("considerations of judicial economy favor consolidation"). Here, consolidation is appropriate under Rule 42(a) because the Related Actions involve nearly identical factual and legal issues. *See In re Orion Sec. Litig.*, 2008 U.S. Dist. LEXIS 55368, at *6 (S.D.N.Y. July 7, 2008); *see also* Order to Show Cause, Feb. 26, 2020, ECF No. 11, *Dixon v. Deva Concepts, LLC* (No. 1:20-cv-01234-GHW) (recognizing the substantial similarities with other cases filed outside of S.D.N.Y.); Order, Feb. 27, 2020, ECF No. 8, *Ciccia v. Deva Concepts, LLC* (No. 1:20-cv-02047-GHW) (same); Order, Feb. 27, 2020, ECF No. 6, *Schwartz v. Deva Concepts, LLC* (No. 1:20-cv-01234-GHW) (same). Consolidation will promote efficiency and consistent rulings and will conserve resource for the Parties as well as the Court.

Accordingly, the Parties request that the Court consolidate the Crawley Action with Case No. 1:20-cv-01234-GHW. Plaintiff has met and conferred with counsel for Defendant, and Defendant supports this request and consents to the consolidation. We thank the Court for its attention to this matter.

Very truly yours,

JONATHAN K. TYCKO
 TYCKO & ZAVAREEI LLP

Application granted. The Clerk of Court is directed to consolidate this action with 1:20-cv-1234-GHW, and further directed to terminate the motions pending at Dkt. Nos. 8 and 9.

SO ORDERED.

Dated: June 23, 2020

GREGORY H. WOODS
 United States District Judge